

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BELEN ET AL,

Plaintiffs,

-against-

HERMAN ET AL,

Defendants.  
----- X

**ORDER DENYING**  
**DEFENDANTS' MOTION TO**  
**COMPEL DEPOSITIONS**

22 Civ. 6455 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

Defendants move to compel the depositions of three attorneys, Craig Avedisian, Steven Schlesinger, and Natasha Shishov, as fact witnesses. Defendants seek to elicit testimony regarding those attorneys' knowledge of two accounts, Rocla and Roclab, not specifically mentioned in a subpoena they issued in 2017. Plaintiffs oppose. In the alternative, Defendants ask to preclude them from testifying. Plaintiffs oppose that as well.

There has been no adequate showing of a need to take the depositions of the attorneys. The question is not what the proponents of the subpoena knew, it is what answer was required in response to the subpoena. It is Vanguard's conduct that is at issue, not Plaintiffs' counsel's knowledge. However, it would be unfair to allow Plaintiffs to call these attorneys as witnesses if they object to a deposition of them. Plaintiffs have a choice: either allow their attorneys to be deposed or be subject to a preclusion order.

Defendants' motion to compel is denied. Defendants' motion to seal certain exhibits in support of its motion is granted.

The Clerk is directed to terminate the open motions, ECF Nos. 238, 240, 242, 243, and 245.

SO ORDERED.

Dated: August 7, 2025  
New York, New York

  
ALVIN K. HELLERSTEIN  
United States District Judge